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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,112

02/06/2004

Yoshinobu Shibayama

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COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

QUIETT, CARRAMAH J

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

09/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,112	Applicant(s) SHIBAYAMA, YOSHINOBU	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

07/05/07

- 1) ☒ Responsive to communication(s) filed on ~~02/06/2004~~ 07/05/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 07/05/2007, have been entered and made of record. Claims 1-6 are pending.

Response to Arguments

2. Applicant's arguments filed 07/05/2007 have been fully considered but they are not persuasive.

In the Remarks (07/05/2007), Applicant has amended claims 1 and 4 to overcome the cited prior art. On pages 6 and 7 of the Remarks, the Applicant asserts that:

The patent [Ohmori], therefore, fails to teach or suggest an image recording apparatus having "a main housing comprising a first housing and a second housing, different from each other, and wherein said signal processing unit and said recording unit are disposed in the first housing and the second housing, respectively." As previously stated, in the Ohmori, the camera 12 and accessory have separate housings and there is no main housing having first and second different housings, wherein a signal processing unit and a recording unit are disposed in the first and second housings, respectively.

Respectfully, the Examiner disagrees. Ohmori teaches a main housing as claimed in the present application. The main housing in Ohmori appears in figures 1-5 and 7. In figure 7, Ohmori's main housing comprises a first housing called a camera 12 and a second housing called an accessory module 10. Please note that when Ohmori's housings are connected via the memory card interface, this connection creates a main housing (fig. 7, col. 4, lines 35-67). Please note that the Applicant admits that Ohmori's housings (camera 12 and accessory module 10) are "separate and distinct" (Remarks, 07/05/2007, pages 6-7) and then, claims that the first housing

and the second housing of the present invention are “different from each other” (claims 1 and 4). Based on the teaching of Ohmori, the Examiner maintains the rejections to claims 1-6.

Claim Objections

3. Claims 1 and 4 are objected to because of the following informalities:

Claims 1 and 4 each recite the following limitation, “a main housing comprising a first housing and a second housing, different from each other...” The Examiner respectfully suggests amending the limitation to clearly state that the first housing and the second housing are different from each other – if that’s what the Applicant is claiming. Simply placing a comma between “second housing” and “different” does not make this limitation clear and distinct. Inserting the phrase “which are” after the comma may help. The Applicant may also try inserting the phrase “wherein the first housing and the second housing are” after the comma. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori (U.S. Pat. #5,790,193 – herein referred to as Ohmori) in view of Applicant Admitted Prior Art (herein referred to as AAPA).

For **claim 1**, Ohmori discloses an image recording apparatus (figs. 1, 2, 6 and 7) comprising:

a signal processing unit (fig. 6/fig. 7, ref. 10) for processing an image signal (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41);

a recording unit (fig. 7, refs. 20, 26, 58, 59, 80/ refs. 10, 40) for recording data;

a display unit (fig. 7, ref. 81) for displaying the image signal (col. 4, line 35 – col. 5, line 41); and

a main housing (fig. 1) comprising a first housing (ref. 12) and a second housing (ref. 10), different from each other (col. 3, lines 9-19),

wherein said signal processing unit and said recording unit are disposed in the first housing and the second housing, respectively (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

However, Ohmori does not expressly teach recording data by heating a recording medium. In a similar field of endeavor, AAPA teaches recording data by heating a recording medium (Specification, page 1, lines 17-25). In light of the teaching of AAPA, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify recording unit of Ohmori to record data by heating a recording medium in order to provide another means for saving image data thereby various methods for retrieving the data.

For **claim 2**, Ohmori, as modified by AAPA, discloses the image recording apparatus wherein said display unit and said signal processing unit are disposed in said first housing and said recording unit is disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

For **claim 3**, Ohmori, as modified by AAPA, discloses the image recording apparatus wherein said display unit and said recording unit are disposed in said first housing and said signal processing unit is disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

For **claim 4**, Ohmori discloses an image pickup apparatus (figs. 1, 2, 6 and 7) comprising:

- a camera unit (fig. 6/fig. 7, ref. 12) for picking up an image of an object (col. 4, lines 1-365);

- a signal processing unit (fig. 7, ref. 10) for processing an image signal output from said camera unit (col. 4, line 35 – col. 5, line 41);

- a recording unit (fig. 7, refs. 20, 26, 58, 59, 80/ refs. 10, 40) for recording data;

- a display (fig. 7, ref. 81) unit for displaying the image signal (col. 4, line 35 – col. 5, line 41);

and

- a main housing (fig. 1) comprising a first housing (ref. 12) and a second housing (ref. 10), different from each other (col. 3, lines 9-19),

- wherein said signal processing unit and said recording unit are disposed in the first housing and the second housing, respectively (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

However, Ohmori does not expressly teach recording data by heating a recording medium. In a similar field of endeavor, AAPA teaches recording data by heating a recording medium (Specification, page 1, lines 17-25). In light of the teaching of AAPA, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

recording unit of Ohmori to record data by heating a recording medium in order to provide another means for saving image data thereby various methods for retrieving the data.

For **claim 5**, Ohmori, as modified by AAPA, discloses the image pickup apparatus wherein said display unit and said signal processing unit are disposed in said first housing and said camera unit and said recording unit are disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

For **claim 6**, Ohmori, as modified by AAPA, discloses the image pickup apparatus wherein said display unit and said recording unit are disposed in said first housing and said camera unit and said signal processing unit are disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
September 11, 2007


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER